



July 29, 2013

## VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Presentation, Promoting Interoperability in the 700 MHz  
Commercial Spectrum, WT Docket No. 12-69

Dear Ms. Dortch:

## Who is Regulating Who?

The successful kidnapping of the A block spectrum in the lower 700 MHz band by AT&T was a blatant violation of abuse of power. The pervasive control AT&T has on a massive scale in the wireless industry is disturbing with respect to small business and what seems to be a mindless compliance to implanted seeds of disinformation. Non-interoperability in the lower 700 MHz band is a stonewall that was purposely erected by AT&T to lock out small business and circumvent the Commission's own data roaming rules. Non-interoperability must be dismantled in order to have a level playing field. The deep rooted deceptions regarding interference from Channel 51 in the lower 700 MHz band must be eradicated. A fair and unbiased regulatory process must be in place, if small business is to survive.

## The Rhetoric

What We Do

- Promoting competition, innovation, and investment in broadband services and facilities.
- Supporting the nation's economy by ensuring an appropriate competitive framework for

the unfolding of the communications revolution. ***Non- interoperability a competitive framework made to collapse the competition.***



- Encouraging the highest and best use of spectrum domestically and internationally;

***Non- interoperability, is the lowest and worst use of any spectrum. The A block as a guard band for AT&T.***

- Providing leadership in strengthening the defense of the nation's communications infrastructure. ***Non- interoperability, indecision.***

### Where is the beef?

The Commission's continuous delay on interoperability in the lower 700 MHz band renders the entire process of promoting small business entry into the mobile marketplace ineffective. The Commission indecision creates regulatory uncertainty for small business. Speedy action on this matter is imperative for small business to participate effectively in the mobile industry. The Commission must endeavor to be sensitive to the special needs of small business. The excessive delays by the Commission and failure to act on issues like interoperability in the lower 700 MHz band is critical. This failure by itself a **barrier to entry** for small business. The airwaves are public assets that must be used to serve all American consumers not just a limited number of consumers or shareholders of AT&T.<sup>1</sup>

### The Record

The record is complete with an avalanche of technical and factual evidence showing overwhelming support for interoperability in the lower 700 MHz band. AT&T's opposition to interoperability in the lower 700 MHz band is based a foundation made of junk science and disinformation. A campaign of fabricated interference from Channel 51 that is grossly misleading at best, and at worst is just an outright lie. A campaign deliberately designed to delay the inevitable mandate of interoperability by the Commission. There is no logical reason at this point and time for the Commission not to restored interoperability in the lower 700 MHz band.

### What did you Say?

AT&T is now squealing about the costly consequences of restoring the lower 700 MHz band

---

<sup>1</sup> Section 257 of the Telecommunications Act of 1996 (1996 Act), Managed the implementation of the Regulatory Flexibility Act (RFA), the Small Business Act, and the Small Business Regulatory Enforcement Fairness Act (SBREFA). and 57 47 U.S.C. § 20.3; see Roaming Report and Order, 22 FCC Rcd at 15826, 15835 ¶¶ 23, 48.



back to its organic band twelve. Non-interoperability in the lower 700 MHz band was the result of talks between AT&T, and others who knowingly planned to use the A block as a guard band in advance of auction 73 . Everyone has been hoodwinked with a per auction game plan to trap the A block into a useless guard band.

## Accountable

Non-interoperability is a public embarrassment that should've never be allowed to happen. The Commission has good reason to immediately restore interoperability in the lower 700 MHz band. Anything less will mark a sad day in this country's history as the day we knowingly signed onto a fascist blueprint to destroy all competition in the wireless industry. The current policy of waiting for an industry solution to a problem that was manufactured by the industry is only wishful thinking that will never materialize. How long do you wait? Until all the competition in the wireless industry has vaporize into extinction? Interoperability is necessary for small business in the mobile industry. Is the Commission willing to destroy small business in this country. Small business brings vigorous competition, vision , and the drive that makes this country great. We need the Commission intervention policy favoring diversity to enhance opportunities for small business who play a vital role in the wireless industry. The policy goals requires the Commission to identify and eliminate **market entry barriers** for entrepreneurs and small businesses in the ownership of telecommunications services. Who is going to be held responsible for this regulatory failure. Who is going to fix it and make it right?

One question we should ask, who has benefitted from non-interoperability and will continue to benefit from non-interoperability.

Respectfully,

Vincent D. McBride